

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

INTELLECTUAL VENTURES I LLC and
INTELLECTUAL VENTURES II LLC,

CIVIL ACTION NO. 2:13-cv-00740-AJS

District Judge Arthur J. Schwab

Plaintiffs,

v.

Electronically filed

THE PNC FINANCIAL SERVICES GROUP,
INC. and PNC BANK NA,

Defendants.

**STIPULATION DISMISSING PLAINTIFF INTELLECTUAL VENTURES I LLC'S AND
INTELLECTUAL VENTURES II, LLC'S CLAIMS AND DEFENDANTS'
COUNTERCLAIMS AS TO U.S. PATENT NOS. 6,182,894 AND 7,757,298 ONLY**

Plaintiffs Intellectual Ventures I and Intellectual Ventures II LLC, by and through their undersigned counsel, and Defendants, The PNC Financial Services Group, Inc. and PNC Bank, N.A., by and through their undersigned counsel, file and agree to the following Stipulation Dismissing Plaintiff Intellectual Ventures I LLC's and Intellectual Ventures II, LLC's Claims and Defendants' Counterclaims as to U.S. Patent Nos. 6,182,894 and 7,757,298 only, as follows:

1. Plaintiff Intellectual Ventures II LLC agrees to dismiss its claim of infringement against Defendants, The PNC Financial Services Group, Inc. and PNC Bank, N.A., as to U.S. Patent No. 6,182,894 set forth in the Third Claim of Relief in Plaintiffs' Complaint (Court Document No. 1), with prejudice.

2. Defendants, The PNC Financial Services Group, Inc. and PNC Bank, N.A., agree to dismiss, without prejudice, their counterclaim of non-infringement against Plaintiff, Intellectual Ventures II LLC, set forth in Defendants' Answer, Defenses, and Counterclaims (Court Document No. 33) at Counterclaim Count V.

3. Defendants, The PNC Financial Services Group, Inc. and PNC Bank, N.A., agree to dismiss, without prejudice, their counterclaim of invalidity/unenforceability against Plaintiff Intellectual Ventures II LLC, set forth in Defendants' Answer, Defenses, and Counterclaims (Court Document No. 33) at Counterclaim Count VI.

4. Plaintiff Intellectual Ventures I agrees to dismiss its claim of infringement against Defendants, The PNC Financial Services Group, Inc. and PNC Bank, N.A., as to U.S. Patent No. 7,757,298 set forth in the Fifth Claim of Relief in Plaintiffs' Complaint (Court Document No. 1), with prejudice through the date of the entry of this dismissal and without prejudice thereafter.

5. Defendants, The PNC Financial Services Group, Inc. and PNC Bank, N.A., agree to dismiss, without prejudice, their counterclaim of non-infringement against Plaintiff, Intellectual Ventures I LLC, set forth in Defendants' Answer, Defenses, and Counterclaims (Court Document No. 33) at Counterclaim Count VII.

6. Defendants, The PNC Financial Services Group, Inc. and PNC Bank, N.A., agree to dismiss, without prejudice, their counterclaim of invalidity/unenforceability against Plaintiff Intellectual Ventures I LLC, set forth in Defendants' Answer, Defenses, and Counterclaims (Court Document No. 33) at Counterclaim Count X.

7. The pleadings filed by the respective parties are to be conformed to meet this stipulation.

8. Each party bears its own costs and attorneys' fees, unless this case is deemed an exceptional case pursuant to 35 U.S.C. § 285, in which case this stipulation will not act as a limitation on any award made pursuant to that provision. Stipulated and agreed to:

For: Plaintiffs, Intellectual Ventures I LLC and
Intellectual Ventures II LLC

s/ Daniel E. Krauth

Daniel E. Krauth (Pa. I.D. 59674)
Joseph F. Butcher (Pa. I.D. 86464)
Samantha A. Quinn (Pa. I.D. 310068)
ZIMMER KUNZ PLLC
310 Grant Street, Suite 3000
The Grant Building
Pittsburgh, PA 15219

Tel: (412) 281 – 8000
Fax: (412) 281 – 1765
Email: krauth@zklaw.com
Email: butcher@zklaw.com
Email: squinn@zklaw.com

Ian N. Feinberg
Appearing *pro hac vice*
Email: ifeinberg@feinday.com
Margaret Elizabeth Day
Appearing *pro hac vice*
Email: eday@feinday.com
David L. Alberti
Appearing *pro hac vice*
Email: dalberti@feinday.com
Clayton Thompson
Appearing *pro hac vice*
Email: cthompson@feinday.com
Marc C. Belloli
Appearing *pro hac vice*
Email: mbelloli@feinday.com
Sal Lim
Appearing *pro hac vice*
Email: slim@feinday.com
Yakov Zolotorev
Appearing *pro hac vice*
Email: yzolotorev@feinday.com

FEINBERG DAY ALBERTI & THOMPSON
LLP
1600 El Camino Real, Suite 280
Menlo Park, CA 94025
Telephone: (650) 618.4360
Facsimile: (650) 618.4368

For Defendants, PNC Financial Services
Group, Inc. and PNC Bank, N.A.

s/ Thomas L. Allen

Thomas L. Allen (PA I.D. 33243)
Justin J. Kontul (PA I.D. 206026)
REED SMITH LLP
225 Fifth Avenue
Suite 1200
Pittsburgh, PA 15222

Tel.: (412) 288-3131
Fax: (412) 288-3063
Email: tallen@reedsmith.com
Email: jkontul@reedsmith.com

James L. Quarles III (pro hac vice)
DC I.D. 359079
Email: james.quarles@wilmerhale.com
Gregory H. Lantier (pro hac vice)
DC I.D. 492043
Email: gregory.lantier@wilmerhale.com
Jonathan L. Hardt (pro hac vice)
DC I.D. 979619
Email: jonathan.hardt@wilmerhale.com

WILMER CUTLER PICKERING HALE
AND
DORR LLP
1875 Pennsylvania, Ave NW
Washington DC, 20006
Tel.: (202) 663-6000
Fax: (202) 663-6363
David C. Marcus (pro hac vice)
CA I.D. 158704
Email: david.marcus@wilmerhale.com
WILMER CUTLER PICKERING HALE
AND
DORR LLP
350 South Grand Ave, Suite 2100
Los Angeles, CA 90071
Tel.: (213) 443-5300
Fax: (213) 443-5400
Monica Grewal (pro hac vice)
MA I.D. 659449

Email: monica.grewal@wilmerhale.com
WILMER CUTLER PICKERING HALE
AND
DORR LLP
60 State Street
Boston, MA 02109
Tel.: (617) 526-6223
Fax: (617) 526-5000